

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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EBERTO BAUTISTA,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.¹

Case No. 3:18-cv-00194-MMD-CSD

ORDER

On March 4, 2021, the Court granted Defendants' motion for summary judgment in its entirety. (ECF No. 84 ("Order").) After judgment was entered, *pro se* Plaintiff Eberto Bautista appealed. (ECF No. 86.) The Ninth Circuit affirmed in part, finding that summary judgment was appropriate on Bautista's equal protection claim and on his First Amendment and RLUIPA² claims as they related to the NDOC's rule that inmates must acquire group worship consumables themselves. (ECF No. 91 at 3.) The Ninth Circuit also vacated the Order in part, finding summary judgment was not appropriate on Bautista's First Amendment and RLUIPA claims as they related to the preparation of his meals. (*Id.* at 4.) The court found that there was genuine dispute of material fact as to whether Bautista's religious beliefs required him to receive meals prepared only by heterosexual individuals and whether those beliefs had been substantially burdened. (*Id.*)

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¹Defendants are Nevada Department of Corrections ("NDOC") Director Charles Daniels, former Lovelock Correctional Center ("LCC") Warden Renee Baker, LCC Culinary Food Services Manager Maribelle Henry, and Rabbi Yisroel Roskamm.

²Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §§ 2000cc-2000cc-5.

1 It is therefore ordered that the order (ECF No. 84) granting Defendants' motion for
2 summary judgment is vacated in part as specified herein.

3 It is further ordered that the matter is referred to U.S. Magistrate Judge Craig S.
4 Denney for a settlement conference on Bautista's remaining First Amendment and
5 RLUIPA claims.

6 It is further ordered that if the parties do not reach a settlement agreement, they
7 must file a joint pretrial order no later than 30 days after the settlement conference.

8 DATED THIS 2nd Day of August 2022.

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11 MIRANDA M. DU
12 CHIEF UNITED STATES DISTRICT JUDGE
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